

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

COURT CASES – Steps for avoiding contempt proceedings – Entrustment of cases to the Advocate General for the State of Andhra Pradesh, Hyderabad – Orders - Issued.

LAW (L.2) DEPARTMENT

G.O.Rt.No. 1646

Dated: 20.09.2012,
Read the following:-

1. G.O.Rt.No.1220, Law, dt.25.08.2000.
2. Circular Memo.No.920/LSP/RL/L.3/2000-1,
Law, dated: 26.08.2000.
3. Circular Memo.No.1702/LSP/L.1/2005,
Law, dated: 09.09.2005.
4. Circular Memo.No.1493/LSP/L.1/2006, Law,
dated: 16.01.2006.

ORDER:

In the circular Memo second read above, while issuing consolidated instructions on the manner in which contempt cases have to be defended, it has been clarified that the services of the Government Pleaders should be utilized for defending the contempt cases and if for any specific reason, the services of the learned Advocate General are required for defending a contempt case, such case may be entrusted to him after obtaining the orders of the Chief Secretary through the Law Secretary.

2. Despite these instructions which have again been reiterated in the reference third read above, it is noted that a large number of proposals are being received for entrustment of defence to the learned Advocate General in all contempt cases in a very routine manner.

3. It has come to notice that there are about 4737 contempt cases before the Hon'ble High Court of A.P. and the A.P. Administrative Tribunal. The very large number of cases that are being moved for contempt of the directions of the Hon'ble High Court/APAT/CAT is a matter of serious concern. There is an urgent need, therefore, to avoid contempt proceedings by ensuring proper and timely compliance of the orders of the Court or filing appeals in time, before the Appellate Authority wherever necessary.

4. In order to have proper control and supervision over the matters pending before the Courts and in furtherance of the instructions issued earlier, the following orders are issued forthwith:

- i) All interim/final directions of the Hon'ble High Court / APAT will be put up at the tappal stage itself to the Secretaries to Government / Heads of the Departments / District Collectors, for perusal.
- ii) All Secretaries to Government / Heads of Departments / District Collectors are requested to go through the operative portion of the order and issue suitable instructions at the tappal stage for appropriate action within the stipulated time.

Contd...Pg.2

- iii) Secretaries to Government / Heads of Departments / District Collectors shall cause to maintain a separate Register in their respective Peshis with particulars stage wise, namely, the receipt of such orders, the time limit by which action is required and the steps taken at various levels till the conclusion of the proceedings.
- iv) Thereafter, action should be taken:-
 - a) to implement the same if it is capable of being implemented within the time, as directed in the order;
 - b) to seek extension of time, before expiry of the time limit ordered, for implementation in cases where it is capable of being implemented, but the time allowed is not sufficient;
 - c) to obtain clarification from the Law Officers or by filing a suitable petition for clarification before the appropriate forum wherever necessary, in cases of doubt, in consultation with the concerned Law Officers;
 - d) to file Vacate Stay Petition, whenever considered necessary along with the counter as expeditiously as possible;
 - e) to file a review in appropriate cases where either mistake of fact or mistake of law is noticed;
 - f) to file an appeal wherever necessary before the appellate forum along with prayer for stay / suspension / modification of the order appealed against.

5. The instructions issued in the Circular Memo. third read above, are hereby reiterated and the departments of Secretariat shall ensure that the entrustment of cases to/seeking opinion from the learned Advocate General shall be only on the matters involving complicated questions of law, high stakes, policy decision of the Government and contempt cases in such matters; and not in other routine cases.

6. All the Secretaries to Government / Heads of Departments / District Collectors are requested to follow the above orders and avoid contempt proceedings. They are also requested to issue suitable instructions in their staff meetings for operationalization of these orders and conduct regular reviews.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MINNIE MATHEW,
Chief Secretary to Government.

To

All the Special Chief Secretaries/Prl.Secretaries/Secretaries to Government.

All the Heads of Departments.

All the District Collectors.

Copy to : The Advocate General for the State of Andhra Pradesh, Hyderabad.

„ : P.S. to Chief Secretary.

„ : P.S. Secretary to Government, LA&J.

„ : P.S. Secretary to Government, Legal Affairs.

„ : S/f & S/c.

//Forwarded: By Order//

SECTION OFFICER.